



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

Regulatory Division  
1455 Market Street  
San Francisco, CA 94103-1398

# PUBLIC NOTICE

## Project: South San Francisco Oyster Point Ferry Terminal

NUMBER: 2008-00097S  
PROJECT MANAGER: Paula Gill

DATE: May 12, 2008  
PHONE: (415) 503-6776

RESPONSE REQUIRED BY: June 12, 2008  
Email: Paula.C.Gill@usace.army.mil

1. **INTRODUCTION:** Water Emergency Transportation Authority and the San Mateo County Harbor District (Pier 9, Suite 111, The Embarcadero, San Francisco, California 94111), have applied for a Department of the Army permit to construct a Ferry Terminal at Oyster Point Marina, in South San Francisco, San Mateo County, California (Figure 1). This application is being processed pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403) and Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

### 2. PROPOSED PROJECT:

The proposed project is intended to provide transportation alternative that can help relieve traffic congestion and to provide disaster response facilities with emergency access to the Peninsula.

The ferry terminal would extend over water from an access/viewing terrace to a pier and would transition to a gangway that would connect to a float where vessels would be moored. The float would provide two berths which would be used either simultaneously or as alternative mooring locations, depending on the wind direction. The float would accommodate the new WETA passenger vessel and would have a flexible freeboard range to allow for a variety of other vessels to be moored there as well.

Work within the jurisdiction of the U.S. Army Corps of Engineers (USACE) would occur in phases. The first phase would include demolition of existing docks and end ties and consequent replacement of some of these structures in a new location (Figures 2 and 3).

Phase II would include dredging (Figure 4). Phase III would involve placement of a concrete access/viewing terrace, a covered pier, and riprap redressing (Figure 4-12). Phase IV would require placement of steel guide and dolphin piles with fenders, the gangway, and boarding float with two berths (Figure 5). In total approximately 170 cubic yards of new fill within 0.017 acre of USACE jurisdiction would occur. Newly constructed floating structures would cover 0.138 acres and newly constructed shadow fill would cover 0.196 acres.

The applicant plans to remove approximately 50,330 cubic yards of bay sediments from the East Basin. This will be implemented with a clamshell dredge. Approximately 30,990 cubic yards of the volume is considered maintenance dredging (projected depth of -8 feet, plus a 2 foot over-dredging allowance). The remaining 19,340 cubic yards is considered "new" work dredging. This dredging is required for basin deepening to accommodate the boarding float and to achieve additional depth for ferry vessel access. The resulting channel width would be 120 feet and would have a bottom elevation of -10 feet MLLW (Mean Lower Low Water). The boarding float would require additional depth, with a bottom elevation of -12 feet MLLW. The applicant has proposed to dispose the dredged material at the Alcatraz Disposal Site (SF-11). The maintenance dredging was previously authorized by Corps permit number 400061S.

### 3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

**National Environmental Policy Act of 1969 (NEPA):** The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Division, 1455 Market Street, San Francisco, California 94103-1398.

**Endangered Species Act of 1973 (ESA):** Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat.

Federally listed species that may occur in the proposed project area include central California coast steelhead (*Oncorhynchus mykiss*), Critical Habitat for the steelhead, and green sturgeon (*Acipenser medirostris*). Section 7 Consultation under the Federal Endangered Species Act is currently in progress to address potential adverse affects associated with construction of the Ferry Building including pile driving. Conclusion of consultation with the NMFS for this portion of the work is pending.

Please note that programmatic biological opinions (BOs) were issued by FWS (March 12, 1999) and NMFS (September 18, 1998) for the Long Term Management Strategy for the placement of dredged material in the San Francisco Bay region. As a result of the BOs there are allowable time frames to dredge to protect the habitat for federally listed

species and the species themselves per Section 7 of the Endangered Species Act of 1973, as amended. If the dredge work is conducted within those time frames, there is no need for consultation. The applicant has proposed to complete the dredging portion of the work between July and September of 2008.

Central California populations of steelhead trout (*Oncorhynchus mykiss*) were classified as federally threatened in August 1997. The steelhead that occur in San Francisco Bay are included in this ESU (evolutionarily significant unit) and therefore receive protection under the Endangered Species Act. There is concern that steelhead migrating through the Bay to streams in the North Bay might enter the Marina. If a permit is issued for this proposed project it will contain a condition that dredging is allowed only from June 1 through November 30 in any year, without consultation (pursuant to Section 7 of the ESA) with and approval from NMFS and the Corps.

Additionally, the Corps has concerns regarding potential impacts to Pacific herring during its annual spawning season. The proposed maintenance dredging will occur within the traditional Pacific herring spawning grounds. As a result, the Corps will condition the permit (if issued) so that dredging will be allowed only from March 1 through November 30 in any year.

**Magnuson-Stevens Fisheries Conservation and Management Act:** The Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions permitted by the agency that may adversely affect Essential Fish Habitat (EFH). This notice initiates the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

The proposed project would impact approximately 6.50 acres EFH which includes the extent of dredge and work related activities within the east basin of

Oyster Point Marina. EFH within this area is associated with the Coastal Pelagics, Pacific Groundfish, and Pacific Coast Salmon Fisheries Management Plans. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in California waters.

This determination is based on the fact that the Marina has been dredged several times in the past. Additionally, the disposal site has been used since the 1960s. Both sites are therefore considered disturbed and the proposed activity will thus result in no new impacts to EFH. The recently-deposited bottom sediments to be dredged during maintenance dredge activities are composed mainly (approximately 95%) of silts and clays (mud). It is presumed that fish species utilizing the area would be using it for feeding during a period of growth. When dredging occurs, the fish should be able to find ample and suitable foraging areas in and along the adjacent areas. As the infaunal community recovers in the dredged area, fish species will return to feed.

The “Baywide Eelgrass Inventory of San Francisco Bay,” prepared by Merkel and Associates, dated October 2004, does not show the area in and around the Marina as having any eelgrass beds. Eelgrass is not expected to be established in this area. Additionally, the work is proposed to occur within an existing frequently used marina behind an existing breakwater.

Our final determination relative to project impacts and the need for conservation recommendations is subject to review by and coordination with the NMFS. The NMFS’ EFH conservation recommendations are pending.

#### **Clean Water Act of 1972 (CWA):**

**a. Water Quality:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. No Corps permit will be granted until the applicant

obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

**b. Alternatives:** Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is water dependent. Disposal of dredge material however, is not water dependent and an analysis of alternatives will be evaluated.

**Coastal Zone Management Act of 1972 (CZMA):** Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. The proposed project is within the Coastal Zone. No Corps permit will be granted until the applicant obtains the required consistency determination.

**National Historic Preservation Act of 1966 (NHPA):** Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

**4. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**5. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

**6. SUBMISSION OF COMMENTS:** Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to

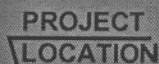
reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Division, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Paula Gill of our office at telephone 415-503-6776 or E-mail: Paula.C.Gill@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.



NTS

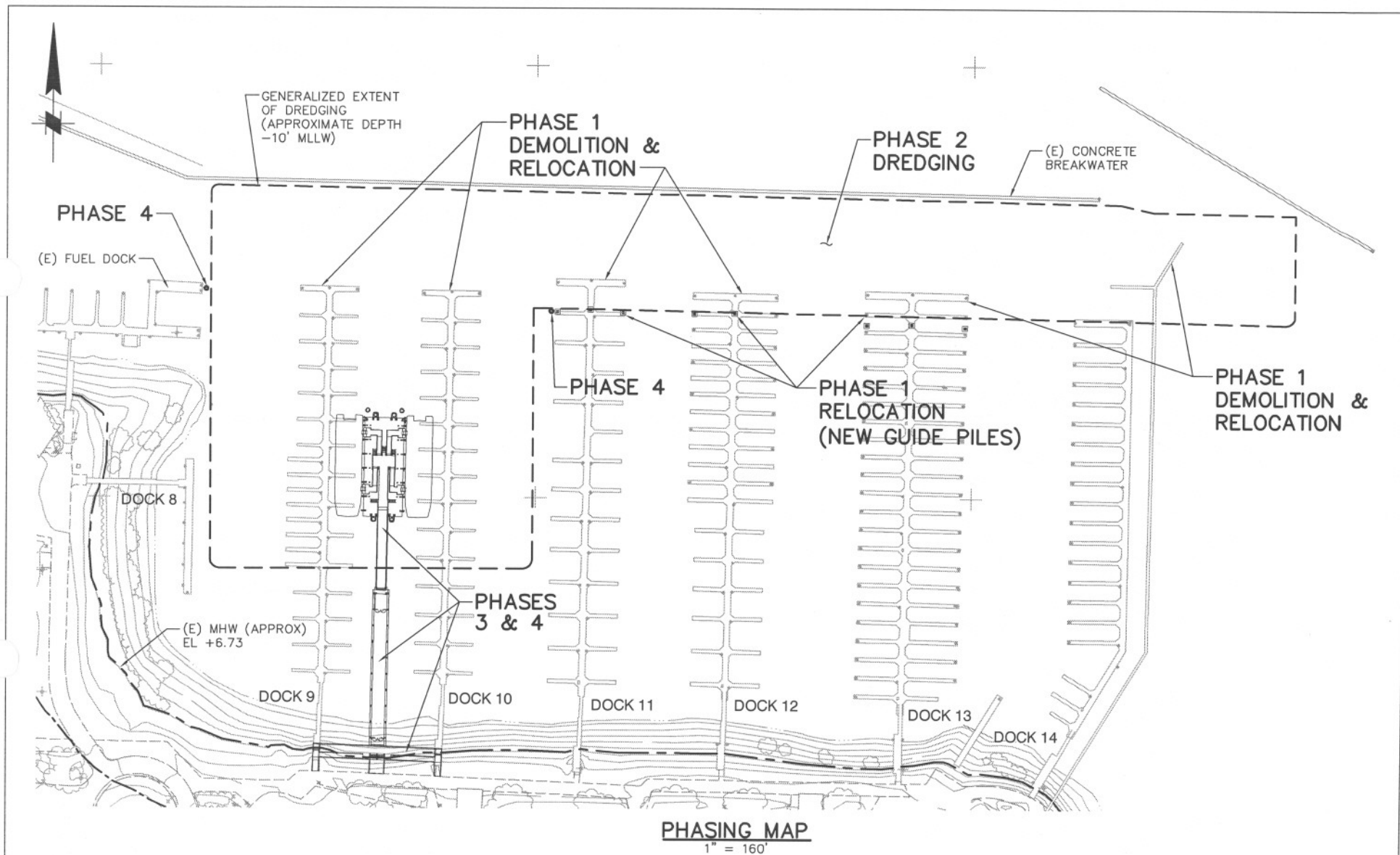
LEVEL	ELEV, FT
HIGHEST OBSERVED WATER LEVEL	10.17
MEAN HIGHER HIGH WATER (MHHW)	7.17
MEAN HIGH WATER (MHW)	6.73
MEAN TIDE LEVEL (MTL)	3.96
MEAN SEA LEVEL (MSL)	3.89
MEAN LOW WATER (MLW)	1.20
NORTH AMERICAN VERTICAL DATUM 1988 (NAVD)	0.50
MEAN LOWER LOW WATER (MLLW)	0.00
LOWEST OBSERVED WATER LEVEL (01/19/1988)	-2.72

LEVEL	ELEV, FT
HIGHEST OBSERVED WATER LEVEL	10.17
MEAN HIGHER HIGH WATER (MHHW)	7.17
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MEAN TIDE LEVEL (MTL)	3.96
MEAN SEA LEVEL (MSL)	3.89
MEAN LOW WATER (MLW)	1.20
NORTH AMERICAN VERTICAL DATUM 1988 (NAVD)	0.50
MEAN LOWER LOW WATER (MLLW)	0.00
LOWEST OBSERVED WATER LEVEL (01/19/1988)	-2.72



NTS

IN: OYSTER POINT MARINA  
AT: SOUTH SAN FRANCISCO  
COUNTY OF: SAN FRANCISCO  
APPLICATION BY: WETA/SMCHD  
FIGURE 1 OF 12 DATE: MARCH 2008



PURPOSE: SOUTH SAN FRANCISCO FERRY TERMINAL

DATUM: MLLW

CO-APPLICANT:

S.F. BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY  
PIER 9, SUITE 111, THE EMBARCADERO  
SAN FRANCISCO, CA 94111

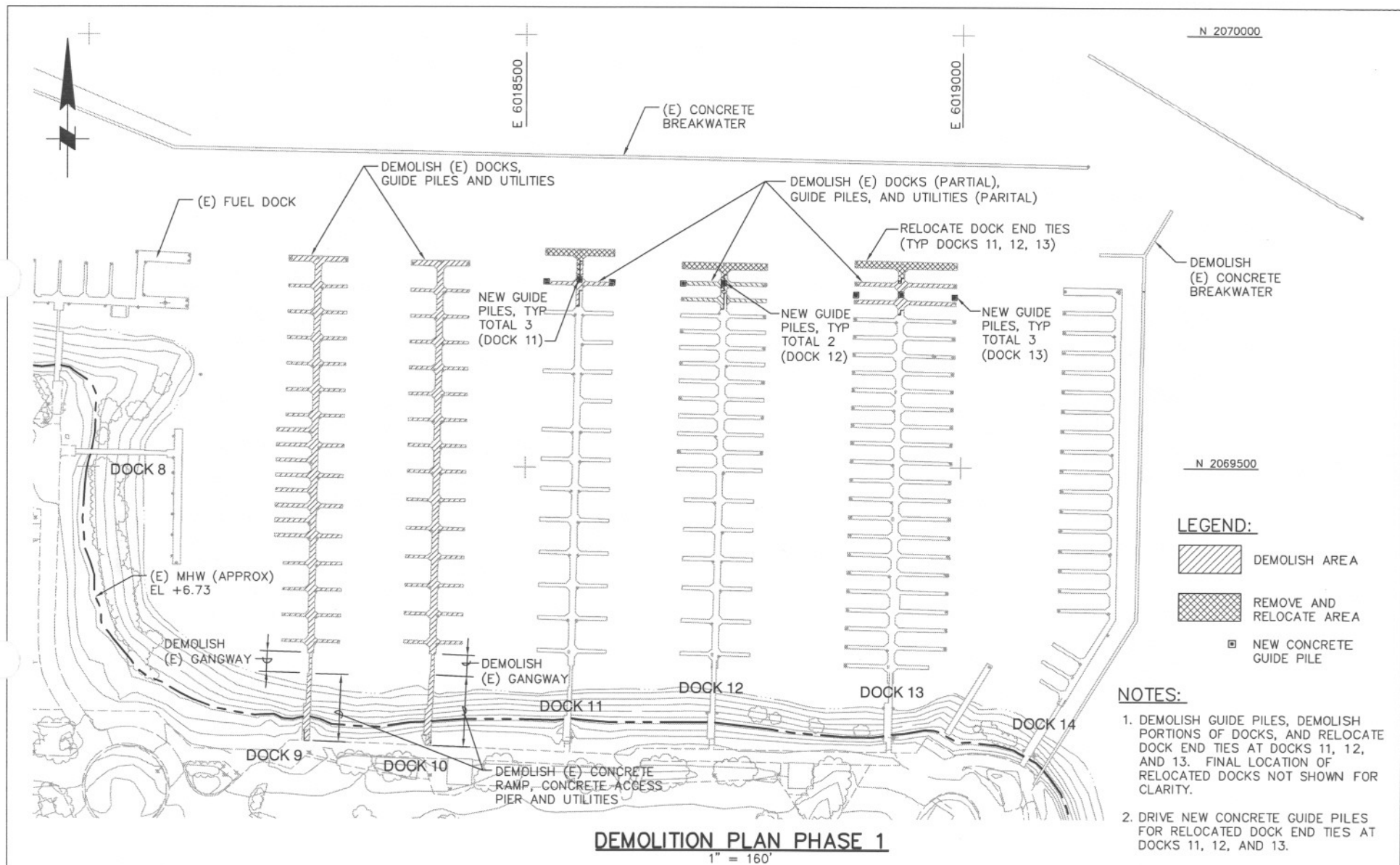
## FIGURE 2 PHASING MAP

SAN MATEO COUNTY HARBOR DISTRICT  
400 OYSTER POINT BLVD, SUITE 300  
SOUTH SAN FRANCISCO, CA 94080

## SOUTH SAN FRANCISCO FERRY TERMINAL

IN:	OYSTER POINT MARINA
AT:	SOUTH SAN FRANCISCO
COUNTY OF:	SAN FRANCISCO
APPLICATION BY:	WETA/SMCHD
FIGURE 2 OF 12	DATE: MARCH 2008





PURPOSE: SOUTH SAN FRANCISCO FERRY TERMINAL

DATUM: MLLW

CO-APPLICANT:

S.F. BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY  
PIER 9, SUITE 111, THE EMBARCADERO  
SAN FRANCISCO, CA 94111

### FIGURE 3 DEMOLITION PLAN PHASE 1

SAN MATEO COUNTY HARBOR DISTRICT  
400 OYSTER POINT BLVD, SUITE 300  
SOUTH SAN FRANCISCO, CA 94080

SOUTH SAN FRANCISCO FERRY TERMINAL

IN:

AT:

COUNTY OF:

APPLICATION BY:

FIGURE 3 OF 12

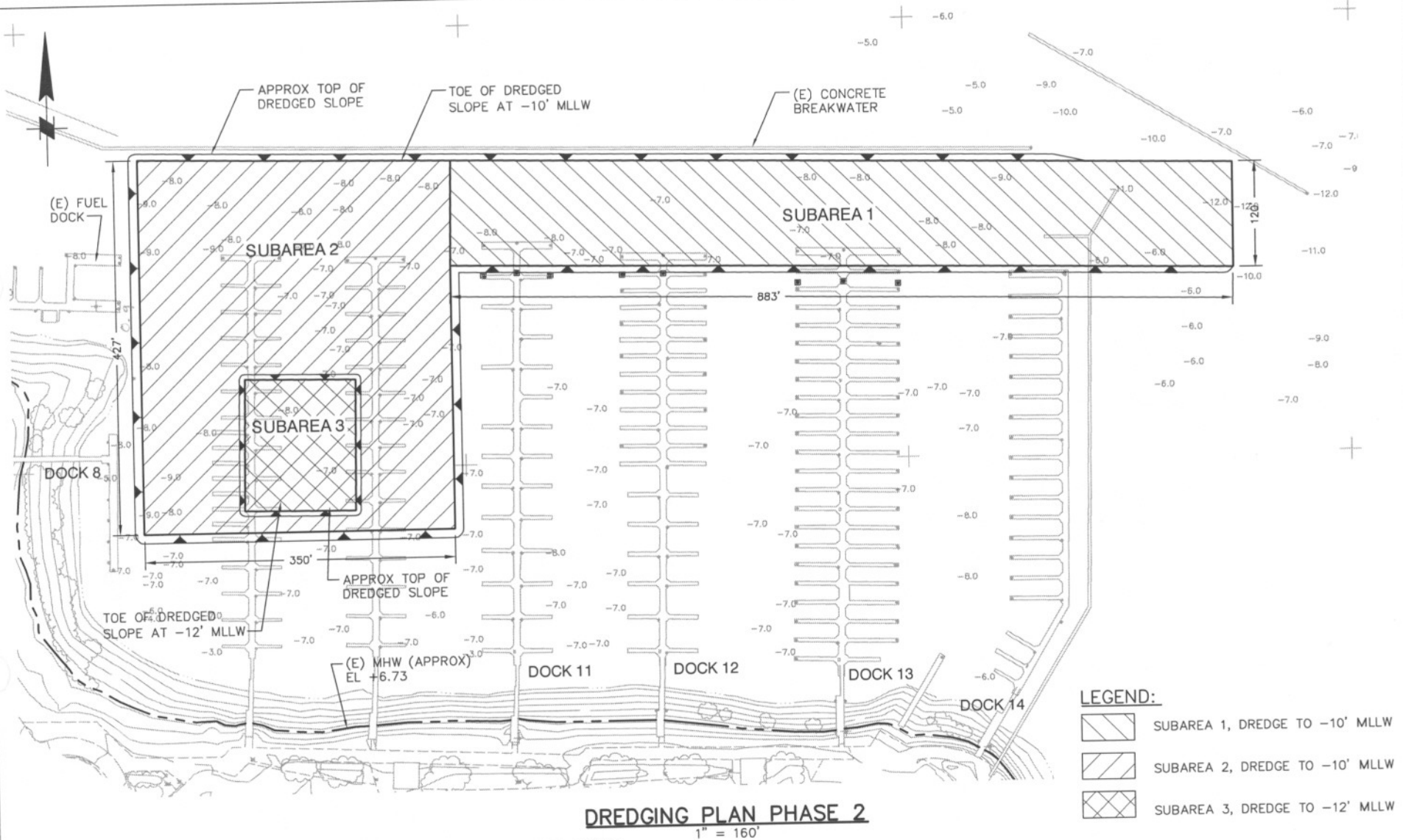
OYSTER POINT MARINA

SOUTH SAN FRANCISCO

SAN FRANCISCO

WETA/SMCHD

DATE: MARCH 2008



NOTE: DIMENSIONS SHOWN ARE NOMINAL; MINOR MODIFICATIONS MAY BE REQUIRED DURING DESIGN, WHICH HAS BEEN ADDED AS A CONTINGENCY TO THE FILL QUANTITIES.

PURPOSE: SOUTH SAN FRANCISCO FERRY TERMINAL

DATUM: MLLW

CO-APPLICANT:

S.F. BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY  
PIER 9, SUITE 111, THE EMBARCADERO  
SAN FRANCISCO, CA 94111

### FIGURE 4 DREDGING PLAN PHASE 2

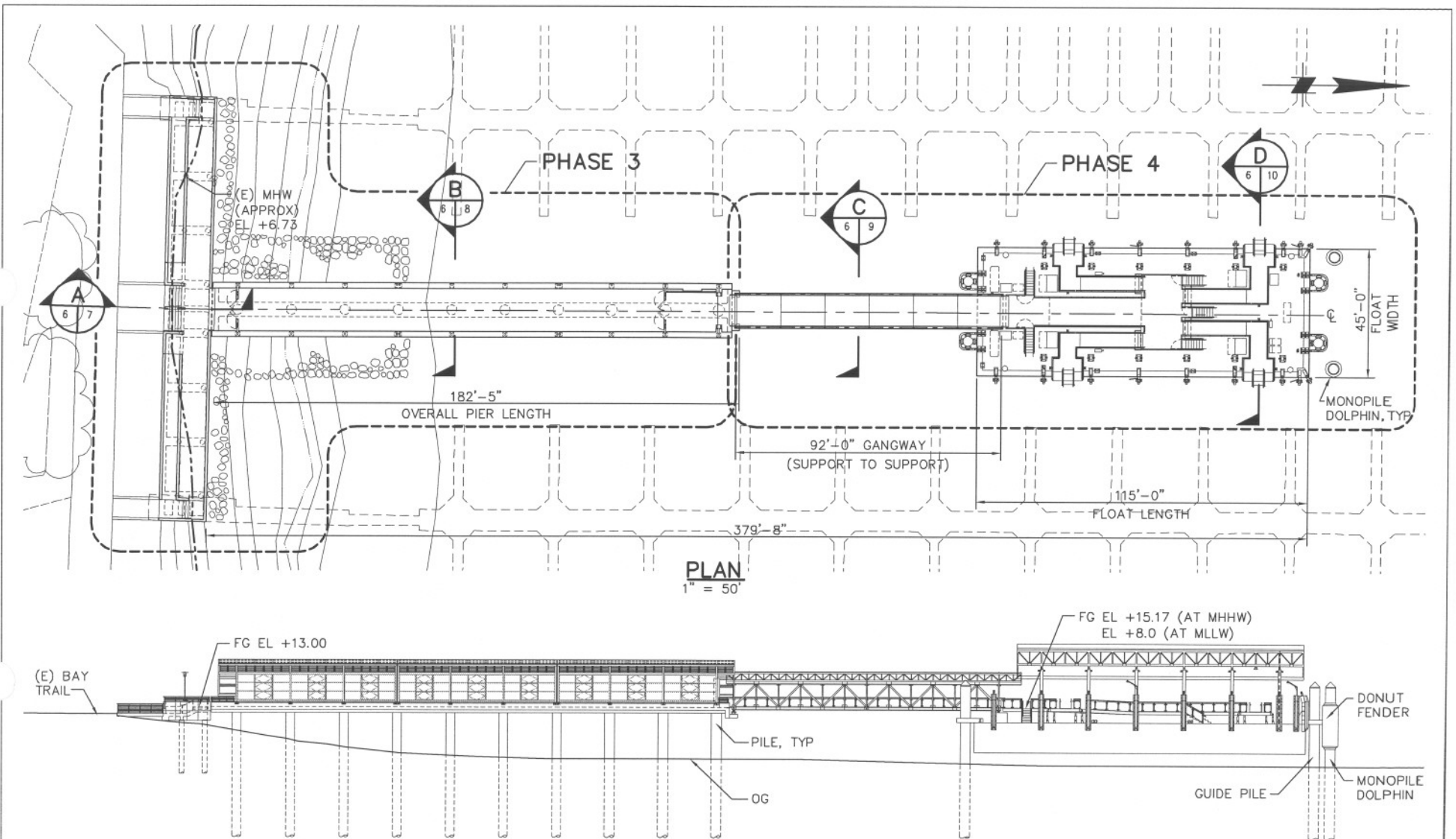
SAN MATEO COUNTY HARBOR DISTRICT  
400 OYSTER POINT BLVD, SUITE 300  
SOUTH SAN FRANCISCO, CA 94080

### SOUTH SAN FRANCISCO FERRY TERMINAL

IN: OYSTER POINT MARINA  
AT: SOUTH SAN FRANCISCO  
COUNTY OF: SAN FRANCISCO  
APPLICATION BY: WETA/SMCHD  
FIGURE 4 OF 12 DATE: MARCH 2008







NOTE: DIMENSIONS SHOWN ARE NOMINAL; MINOR MODIFICATIONS MAY BE REQUIRED DURING DESIGN, WHICH HAS BEEN ADDED AS A CONTINGENCY TO THE FILL QUANTITIES.

PURPOSE: SOUTH SAN FRANCISCO FERRY TERMINAL

DATUM: MLLW

CO-APPLICANT:

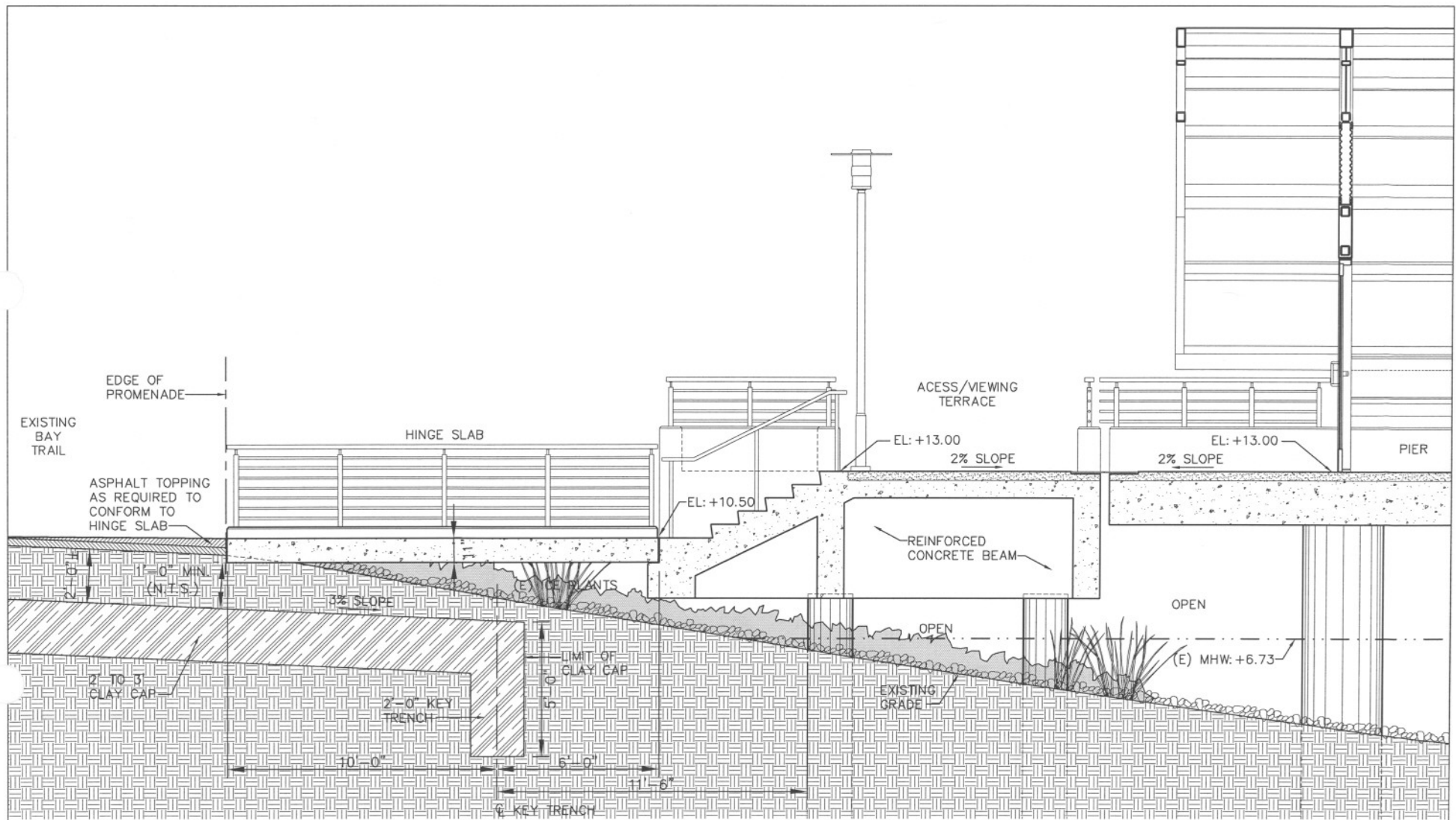
S.F. BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY  
PIER 9, SUITE 111, THE EMBARCADERO  
SAN FRANCISCO, CA 94111

## FIGURE 6 PLAN AND ELEVATION TERMINAL

SAN MATEO COUNTY HARBOR DISTRICT  
400 OYSTER POINT BLVD, SUITE 300  
SOUTH SAN FRANCISCO, CA 94080

## SOUTH SAN FRANCISCO FERRY TERMINAL

IN: OYSTER POINT MARINA  
AT: SOUTH SAN FRANCISCO  
COUNTY OF: SAN FRANCISCO  
APPLICATION BY: WETA/SMCHD  
FIGURE 6 OF 12 DATE: MARCH 2008



SECTION A  
3/16" = 1'-0"

NOTE: DIMENSIONS SHOWN ARE NOMINAL; MINOR MODIFICATIONS MAY BE REQUIRED DURING DESIGN, WHICH HAS BEEN ADDED AS A CONTINGENCY TO THE FILL QUANTITIES.

PURPOSE: SOUTH SAN FRANCISCO FERRY TERMINAL

DATUM: MLLW

CO-APPLICANT:

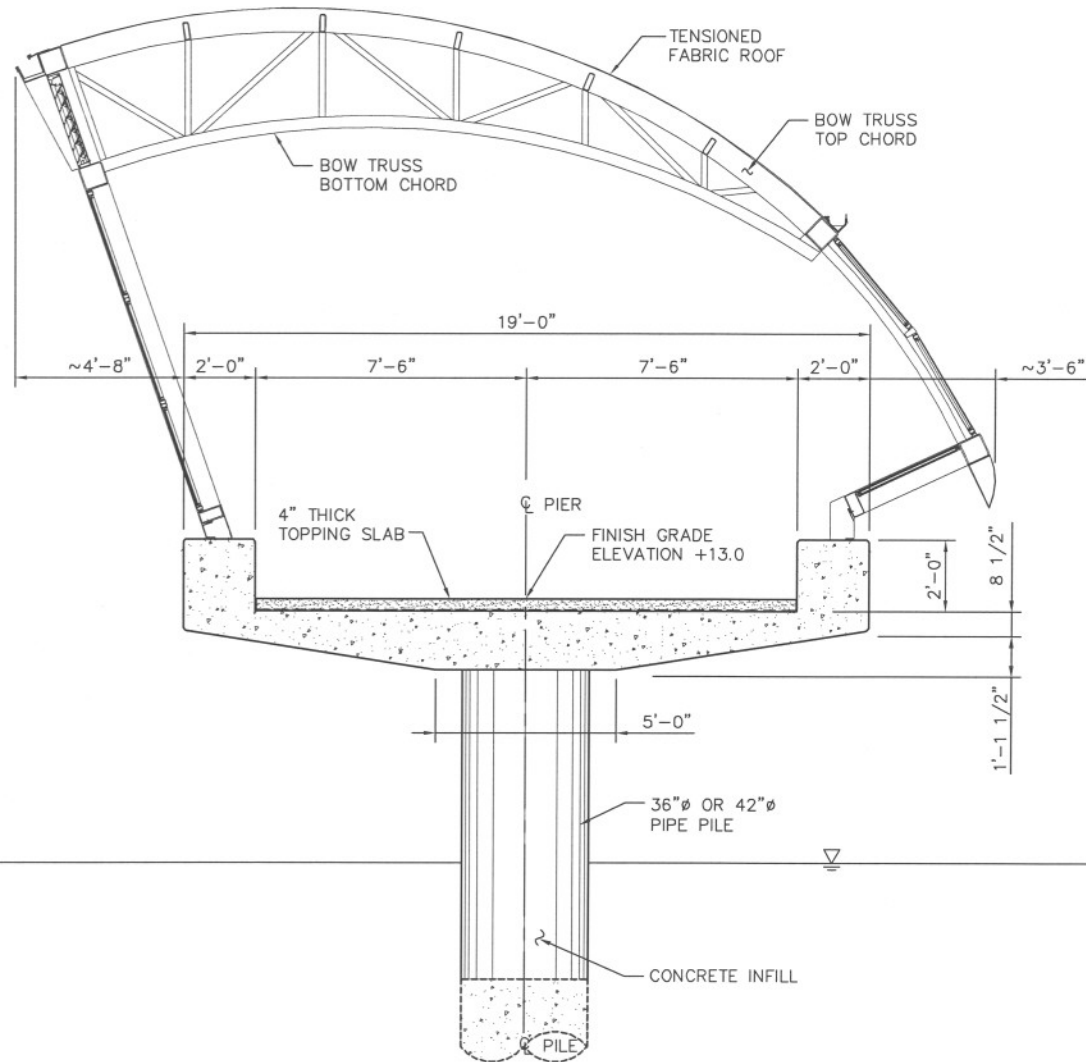
S.F. BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY  
PIER 9, SUITE 111, THE EMBARCADERO  
SAN FRANCISCO, CA 94111

## FIGURE 7 SECTION VIEWING TERRACE

SAN MATEO COUNTY HARBOR DISTRICT  
400 OYSTER POINT BLVD, SUITE 300  
SOUTH SAN FRANCISCO, CA 94080

SOUTH SAN FRANCISCO FERRY TERMINAL

IN: OYSTER POINT MARINA  
AT: SOUTH SAN FRANCISCO  
COUNTY OF: SAN FRANCISCO  
APPLICATION BY: WETA/SMCHD  
FIGURE 7 OF 12 DATE: MARCH 2008



SECTION B  
3/16" = 1'-0"

NOTE: DIMENSIONS SHOWN ARE NOMINAL; MINOR MODIFICATIONS MAY BE REQUIRED DURING DESIGN, WHICH HAS BEEN ADDED AS A CONTINGENCY TO THE FILL QUANTITIES.

PURPOSE: SOUTH SAN FRANCISCO FERRY TERMINAL

DATUM: MLLW

CO-APPLICANT:

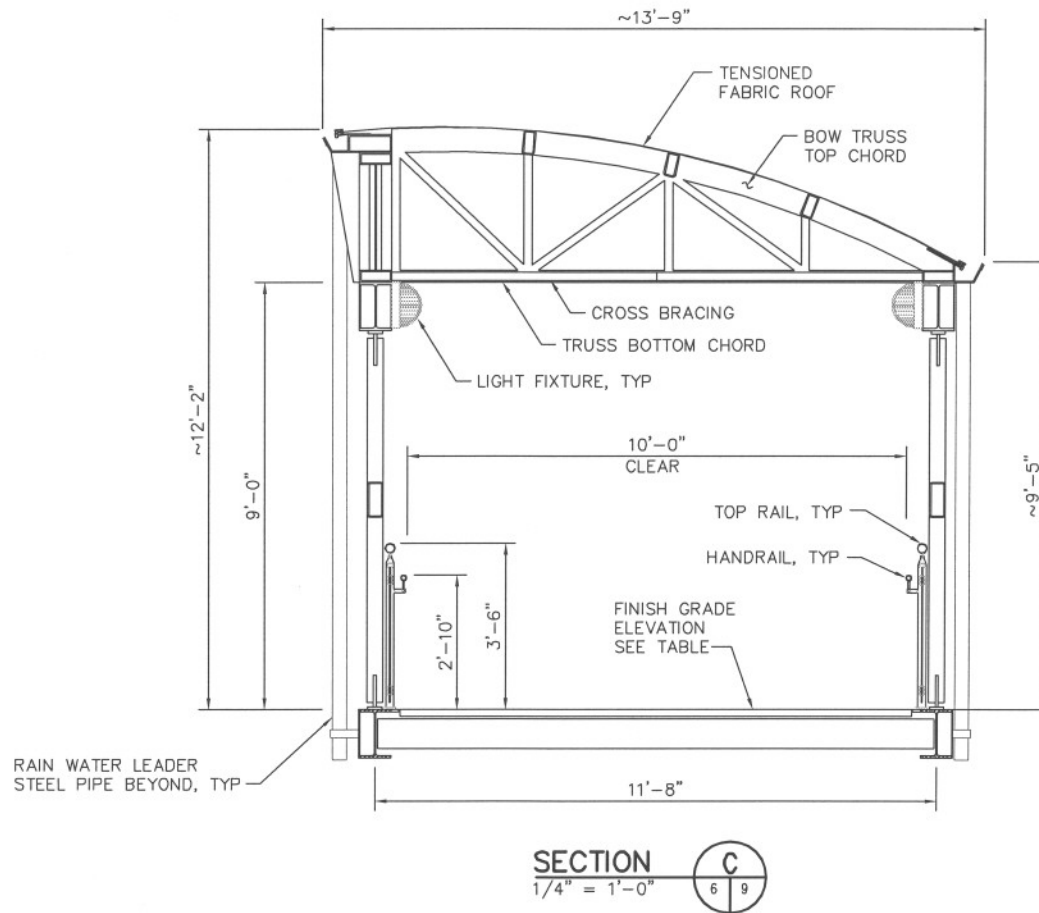
S.F. BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY  
PIER 9, SUITE 111, THE EMBARCADERO  
SAN FRANCISCO, CA 94111

## FIGURE 8 SECTION B PIER

SAN MATEO COUNTY HARBOR DISTRICT  
400 OYSTER POINT BLVD, SUITE 300  
SOUTH SAN FRANCISCO, CA 94080

SOUTH SAN FRANCISCO FERRY TERMINAL

IN: OYSTER POINT MARINA  
AT: SOUTH SAN FRANCISCO  
COUNTY OF: SAN FRANCISCO  
APPLICATION BY: WETA/SMCHD  
FIGURE 8 OF 12 DATE: MARCH 2008



TABLE

LOCATION	ELEVATION (FEET)
AT PIER	+13
AT FLOAT (AT MHHW)	+15.17
AT FLOAT (AT MLLW)	+8

NOTE: DIMENSIONS SHOWN ARE NOMINAL; MINOR MODIFICATIONS MAY BE REQUIRED DURING DESIGN, WHICH HAS BEEN ADDED AS A CONTINGENCY TO THE FILL QUANTITIES.

PURPOSE: SOUTH SAN FRANCISCO FERRY TERMINAL

DATUM: MLLW

CO-APPLICANT:

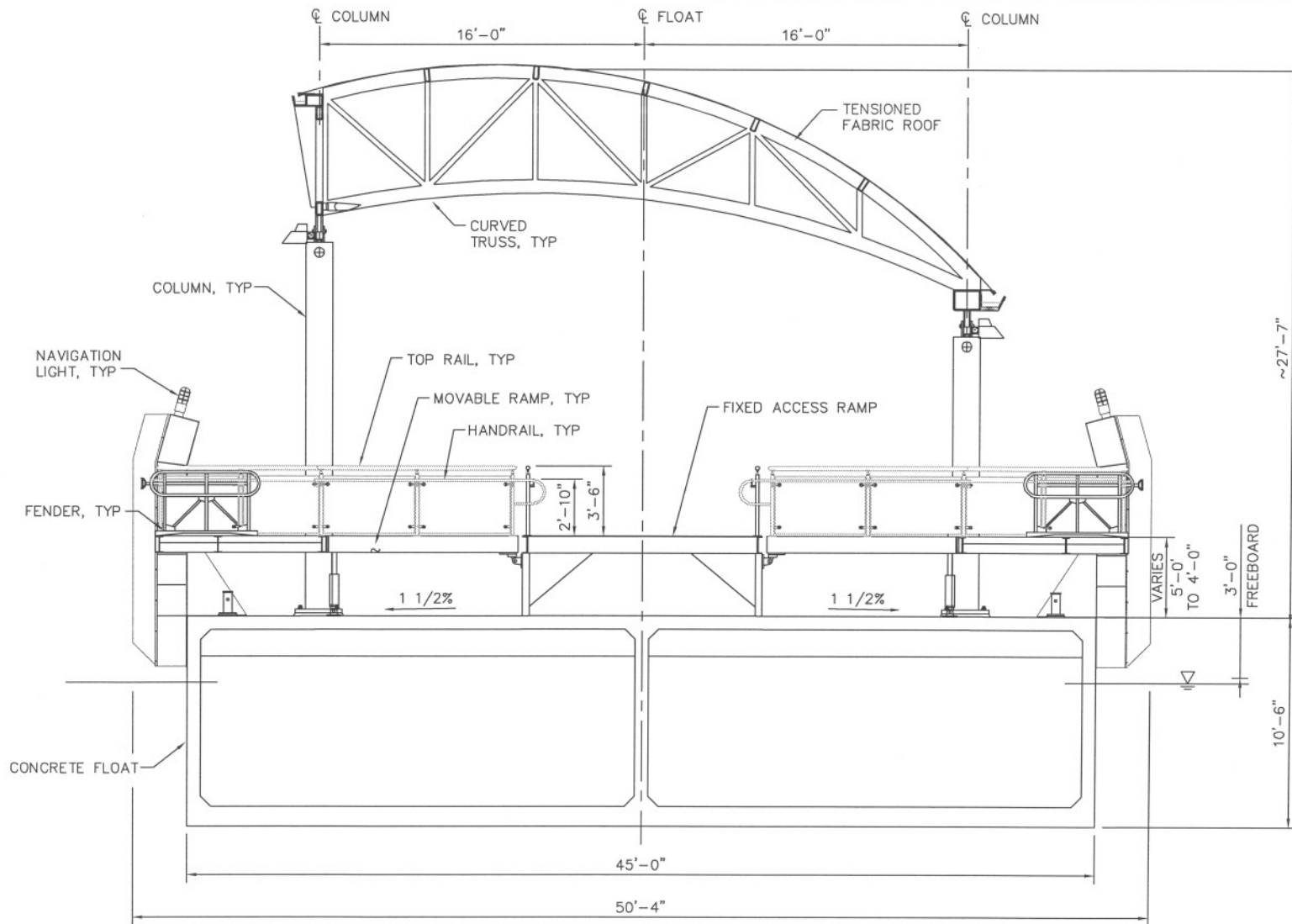
S.F. BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY  
 PIER 9, SUITE 111, THE EMBARCADERO  
 SAN FRANCISCO, CA 94111

### FIGURE 9 SECTION C GANGWAY

SAN MATEO COUNTY HARBOR DISTRICT  
 400 OYSTER POINT BLVD, SUITE 300  
 SOUTH SAN FRANCISCO, CA 94080

SOUTH SAN FRANCISCO FERRY TERMINAL

IN: OYSTER POINT MARINA  
 AT: SOUTH SAN FRANCISCO  
 COUNTY OF: SAN FRANCISCO  
 APPLICATION BY: WETA/SMCHD  
 FIGURE 9 OF 12 DATE: MARCH 2008



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SECTION D  
1/8" = 1'-0"

PURPOSE: SOUTH SAN FRANCISCO FERRY TERMINAL

DATUM: MLLW

CO-APPLICANT:

S.F. BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY  
PIER 9, SUITE 111, THE EMBARCADERO  
SAN FRANCISCO, CA 94111

## FIGURE 10 SECTION D FLOAT

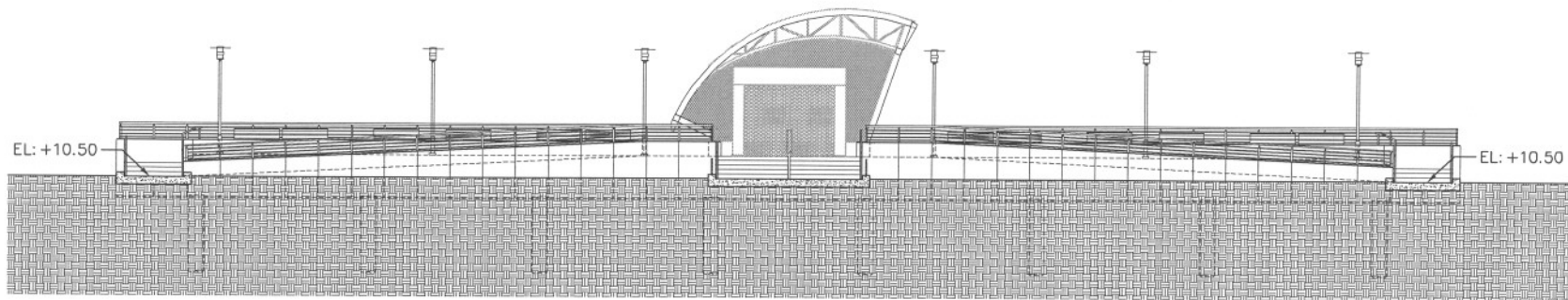
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SOUTH SAN FRANCISCO FERRY TERMINAL

IN: OYSTER POINT MARINA  
AT: SOUTH SAN FRANCISCO  
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APPLICATION BY: WETA/SMCHD  
FIGURE 10 OF 12 DATE: MARCH 2008

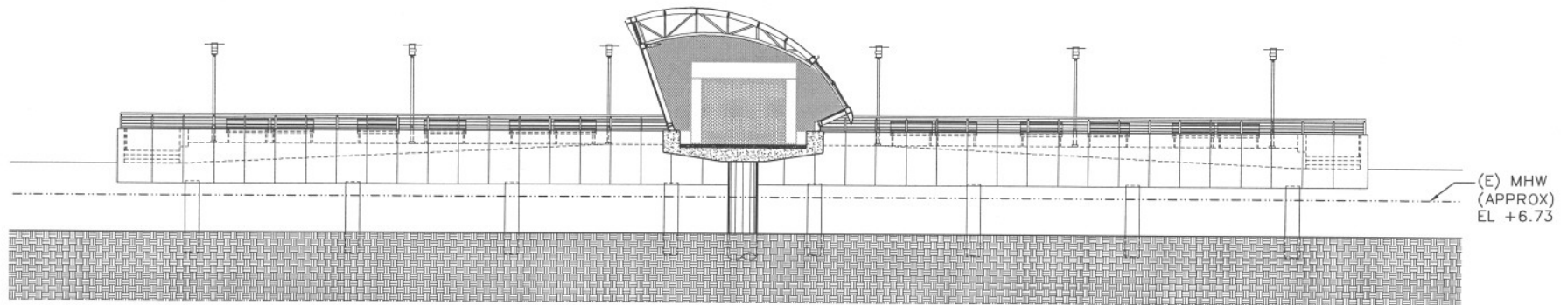






ACCESS/VIEWING TERRACE NORTH ELEVATION

1" = 20'



ACCESS/VIEWING TERRACE SOUTH ELEVATION

1" = 20'

PURPOSE: SOUTH SAN FRANCISCO FERRY TERMINAL

DATUM: MLLW

CO-APPLICANT:

S.F. BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY  
PIER 9, SUITE 111, THE EMBARCADERO  
SAN FRANCISCO, CA 94111

## FIGURE 12 ELEVATIONS

ACCESS/VIEWING TERRACE  
SAN MATEO COUNTY HARBOR DISTRICT  
400 OYSTER POINT BLVD, SUITE 300  
SOUTH SAN FRANCISCO, CA 94080

SOUTH SAN FRANCISCO FERRY TERMINAL

IN: OYSTER POINT MARINA  
AT: SOUTH SAN FRANCISCO  
COUNTY OF: SAN FRANCISCO  
APPLICATION BY: WETA/SMCHD  
FIGURE 12 OF 12 DATE: MARCH 2008